

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:15-CR-00221-KJD-NJK

V.

MARIO JACOB SAPP,

## ORDER

**Defendant.**

Before the Court for consideration is Defendant's Motion to Inspect Grand Jury Lists (#163).

The Government did not file a reply.

Defendant seeks dismissal of the Indictment or, in the alternative, a list of each member of the grand jury. Dismissal of an indictment due to government misconduct is an extreme sanction that should be utilized infrequently. In order to warrant dismissal of an indictment the defendant must show substantial prejudice. Lay v. State, 110 Nev. 1189, 1198 (1994). A defendant shows prejudice only when there is a reasonable probability that the outcome would have been different absent the misconduct. Id. Here, Defendant has failed to produce any evidence to support a reasonable probability that the outcome of his grand jury proceeding would have been different absent misconduct. Thus, this Court **denies** Defendant's Motion to dismiss the Indictment.

Further, the general rule of secrecy of grand jury proceedings is essential to the purpose of the grand jury process. United States v. Proctor and Gamble Co., 356 U.S. 677, 681 (1958). The exceptions to the general rule are few, as evidenced by Fed.R.Crim.P 6(e)(3). Under Rule 6(e)(3)(E), “[t]he court may authorize disclosure … of a grand jury matter … at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury.” Fed.R.Crim.P. 6(e)(3)(E)(ii). Here, Defendant has failed to show that a ground may exist

1 to dismiss the Indictment due to a matter that occurred before the grand jury. Therefore, this Court  
2 **denies** Defendant's request for grand juror personally identifiable information.

3 Accordingly, **IT IS THEREFORE ORDERED** that Defendant's Motion to Inspect Grand  
4 Jury Lists (#163) is **DENIED**.

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6 DATED this 1st day of May 2017.  
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Kent J. Dawson  
United States District Judge